IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 389 OF 2005

MRS. CLETA LUIZIHNA LOPES AND ANR., ...Petitioners

Versus

THE STATE OF GOA THROUGH IT'S CHIEF SECRETARY AND 4 ORS., ...Respondents

Shri A. D. Bhobe,Advocate for the Petitioners.
Shri S.S. Kantak, Advocate General with Ms. R. Chodankar, Addl. Govt. Advocate for the State-Respondent.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 11th October, 2005

P.C.:

Heard Shri Bhobe, learned counsel for the petitioners.

2. The grievance of the petitioners in this Writ Petition is that the respondent No.2 on misrepresentation made by Respondents No.4 and 5 revised the development plan. According to the petitioners, the development plan that has been revised by Respondent No.2 is contrary to law and takes away the parking space and results in increase of permissible F.A.R.

3. We find from the available documents annexed by the petitioners along with the Writ Petition that the representation was made by the petitioners through the Advocate to Respondent No.2 on August 12, 2005 raising their grievance regarding revised plan being contrary to law. Taking the overall facts and circumstances of the case, we are satisfied that presently it may not be proper for us to entertain the Writ Petition and the interest of justice will be subserved if the Respondent No.2 takes

decision on the petitioners' representation dated August 12, 2005. In our view it would be proper for the Respondent No.2 to hear the petitioners and the Respondents No.4 and 5 before taking decision on the representation dated August 12, 2005. The respondent No.2 (Senior Town Planner, Town and Country Planning Department, Mapusa, Goa) shall complete the exercise within three months from the date of production of the Order of this Court.

4. With the aforesaid observations, Writ Petition is disposed of.

R. M. LODHA, J.

N. A. BRITTO, J.

sl.